IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4027 OF 2006

Mohamed Iqbal Kitwallab Choudhary ..Applicant

Versus

The State of Maharashtra ..Respondent

Ms. Anjali Patil for applicant

Mr. S. S. Pednekar, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 20TH NOVEMBER, 2006

P.C.:

1. Heard Ms. Patil, appearing for the applicant and Mr. Pednekar for the State.

2. In the very incident, co-accused has been enlarged on bail and my attention is invited to the order passed by this Court on 18.10.2006 in Criminal Application No.3792 of 2006.

3. The learned APP submits that one bike has been recovered from the present applicant and there are four criminal cases pending against him. Hence, the application of the applicant should not be granted.

4. I had considered all such aspects in my order dated 18.10.2006. There also the applicant had some pending cases, but stringent conditions were imposed upon him when the relief was granted.

5. In my view, nothing has been pointed out in the present case so as to compel me to reach a contrary conclusion. Hence, prima facie, case is made out and co-accused being granted bail, the following order would subserve the ends of justice:

O R D E R :

(i) The applicant arrested in connection with C.R.no.233 of 2005 registered with J.J.Marg Police Station shall be enlarged in the sum of Rs.15,000/= with one or two local sureties in the like amount. However, the applicant shall reside

outside Mumbai and Mumbai suburban and Thane Districts. He is however permitted to enter the limits of these districts only for the purpose of attending trial on relevant dates.

(ii) The bail is granted subject to condition that the applicant will remain present before the nearest police station from his residence where is propose to live after release on bail once a week on every Friday between 5.00 p.m. to 7.00 p.m. till conclusion of trial.

(iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

(iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any

prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(viii) Parties to act on an authenticated copy of this order.

(S.C.Dharmadhikari, J.)